



30 June 1987

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MEMORANDUM FOR THE RECORD

SUBJECT: Open Hearing on HR 1013, the "Stokes-Boland Amendment"

1. On Wednesday, 10 June 1987, the Subcommittee on Legislation of the House Permanent Select Committee on Intelligence concluded hearings on HR 1013, a bill intended to clarify existing legislation requiring that Congress be given prior notice of covert actions. Testimony was heard from Central Intelligence Agency General Counsel David P. Doherty and Under Secretary for Political Affairs Michael H. Armacost. Their opening statements are attached.

2. The following members attended:
Matthew McHugh, (D., NY) Chairman of the Subcommittee (opening remarks attached)
*Louis Stokes (D., OH) (opening remarks attached)
Robert Kastenmeier (D., WI)
*Dan Daniel (D., VA)
*Anthony Beilenson (D., CA)
Robert Livingston (R., LA)
*Bud Shuster (R., PA)
*Dan Lungren (R., CA)
Henry Hyde (R., IL)

*Attended only part of the session

Staffers:

Michael O'Neil	Bernard Raimo
Calvin Humphrey	Steve Nelson
Jeannie McNally	Sharon Curcio
Delores Jackson	

3. The witnesses stressed the proposed bill, requiring notification of a covert action within a 48-hour time period would intrude on presidential authority to formulate foreign policy. The Members present made a variety of comments either to support or dispute this view:

4. Representative McHugh is in favor of the legislation as a way to define "timely" notice, which he says is the primary issue in this debate. McHugh reiterated that the existing language on notification is far too vague.

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5. Representative Livingston argues that while the ten month lapse in notification on the Iranian arms sales initiative may be in the extreme, timely should be defined by the possible threat to human life.

6. Representative Kastenmeier felt the the Iranian hostage rescue attempt in 1980 and the Iranian arms initiative were colossal failures that could have been averted. He says that had the Administration briefed the Congress on these foreign policy initiatives, the ensuing discussion could have discouraged such impossible programs.

7. Representative Shuster asked Mr. Armacost whether there should be prior approval of covert action programs. Mr. Armacost said no, even on notification the Administration is looking for approval. Oversight responsibility does not require notification.

8. Representative Lungren expressed concern about the legislation, noting all parties were in a no-win situation.

9. Representative Hyde argued that the possibility of future third country cooperation in covert action would be greatly diminished by mandating prior Congressional approval. The U.S. needs to preserve the flexibility and integrity of future programs.

10. Representative Beilenson had no questions for the witnesses, however, he suggested that the Committee differentiate between the types of programs to be covered by notification legislation. He specifically mentioned hostage situations and said that perhaps these actions could be excluded from notification. Beilenson warned that major foreign policy initiatives must be discussed.

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